IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 896 of 1999

For Approval and Signature:

HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE S.R.BRAHMBHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

JIVATRAM KHEMCHAND CHHOKRANI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Appeal No. 896 of 1999
Mr.G.G.Trivedi for
MR CHETAN B RAVAL for Appellant No.
Mr.S.S.Patel, learned Addl.P.P.
for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE D.K.TRIVEDI
and
HON'BLE MR.JUSTICE S.R.BRAHMBHATT

Date of decision: 23/12/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE D.K.TRIVEDI)

1. The appellant original accused in Sessions Case No.242/97 has filed this Appeal and challenged the order of conviction and sentence recorded by the learned Addl. Sessions Judge, Court No.18, Ahmedabad dated 30.6.1999 by which the learned trial Judge has convicted the accused for the offences under Sections 8(c) and 20(b)(ii) of the NDPS Act and ordered to suffer R.I. for 10 years and fine of Rs.1 lac in default S.I. for one year. While admitting the appeal as per order dated 30.12.1999 the prayer for bail was not pressed. Accordingly the matter was notified on the board of final hearing and when the matter reached before us on 1.12.2004, as the learned advocate appearing for the appellant was absent, the order was passed wherein the jail authorities were directed to inform the prisoner about the order passed by this court. Accordingly the jail authority had reported to this court under letter of Deputy Superintendent of Police, Central Jail, Ahmedabad dated 15.12.2004 addressed to the Registrar by forwarding the Certificate issued by the Medical Officer, Civil Hospital, Ahmedabad dated 11.8.2001 indicating that the appellant convict Jivatram Khemchand Chhokrani was brought by the jail authority under police escort for treatment on 25.7.2001 and he was admitted as indoor patient in the Civil Hospital and during treatment the said prisoner convict died on 11.8.2001. The jail authority has also forwarded the medical certificate issued by the Civil Hospital to show that the said convict aged 60 years had died on 11.8.2001 at 1 P.M.

2. Mr.G.G.Trivedi for Mr.Raval,learned advocate for the appellant, also on ascertaining from the relatives of the appellant has confirmed that the appellant had died during treatment in Civil Hospital. As the appellant, who had challenged the order of conviction and sentence, had died in Civil Hospital, the present Appeal is abated and accordingly Criminal Appeal No.896/99 stands abated. The Appeal is accordingly disposed off as abated.

(D.K.Trivedi,J)

(S.R.Brahmbhatt,J)

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